

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
)  
Petition for Declaratory Ruling and ) NSD File No. L-97-42  
Request for Expedited Action on )  
July 15, 1997 Order of the Pennsylvania )  
Public Utility Commission Regarding )  
Area Codes 412, 610, 215 and 717 )  
)  
Implementation of the Local Competition ) CC Docket No. 96-98  
Provisions of the Telecommunications Act )  
of 1996 )

**PETITION FOR RECONSIDERATION AND  
CLARIFICATION BY SBC COMMUNICATIONS INC.**

SBC Communications Inc., on its behalf and on behalf of its telephone subsidiaries, (collectively referenced as "SBC"), files this Petition for Clarification in relation to the Commission's Memorandum Opinion and Order and Order on Reconsideration in the above-captioned matter, released on September 28, 1998 ("Order"). SBC applauds the efforts of the Commission in this regard and commends the leadership it has demonstrated in the Order. This order provides needed guidance that will facilitate more efficient and timely area code relief which is critical to the industry.

**I. THE COMMISSION SHOULD CLARIFY THAT IN THE FUTURE  
RULEMAKING PERTAINING TO NUMBER POOLING, COST  
RECOVERY SHALL BE INCLUDED.**

The Commission in this Order expresses its intent to initiate a rulemaking proceeding in order to develop regulations on number pooling. SBC encourages the Commission to clarify that this future proceeding shall also address the appropriate

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NSD File No. L-97-42, CC Docket No. 96-98  
December 16, 1998

means for cost recovery related to number pooling. The required deployment of number pooling shall cause carriers to incur substantial costs for network and operational support system modifications.

**II. THE COMMISSION SHOULD CLARIFY THAT THE GOAL OF THE AREA CODE RELIEF PROCESS DELEGATED TO THE STATES MUST BE TO PROVIDE TIMELY RELIEF SO AS TO AVOID THE NEED FOR CODE RATIONING.**

In Paragraph 23 of its Order the Commission acknowledges a statement from the Pennsylvania Commission that NXX code rationing is common when an area code is facing relief. Code rationing creates significant hardships for the industry and for consumers and should not be considered a normal part of area code relief. Properly planned and executed relief avoids the need for code rationing. The Commission should set the expectation that area code relief will be provided in a timely fashion and that NXX code rationing should be an extremely rare occurrence.

**III. THE COMMISSION SHOULD RECONSIDER ITS REFERRAL TO THE NORTH AMERICAN NUMBERING COUNCIL ("NANC") OF THE ISSUE REGARDING THE ASSIGNMENT OF NUMBERS OUTSIDE AN NXX CODE RATIONING PLAN.**

The Commission in its Order states its intent to refer to NANC the question of whether the state commission or the North American Numbering Plan Administrator ("NANPA") should evaluate whether a carrier that is subject to an NXX code rationing plan should receive an NXX or multiple NXXs outside the parameters of the plan.<sup>1</sup> SBC requests the Commission reconsider this referral on the basis that under no circumstances should awards of additional NXXs be made outside the scope of the rationing plan. Again, SBC believes the focus must be on providing timely relief rather than developing

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<sup>1</sup> Order, &51.

coping processes when planning and execution break down. Code rationing plans are initiated when it is clear that area code relief cannot be completed in time to provide adequate NXX codes to meet the industry's needs. Thus it can be expected that under a code rationing measure most, if not all, carriers will not receive an adequate supply of NXX codes to meet their customers' needs. The Commission in its Order has stated that rationing measures should be nondiscriminatory and should not unduly favor or disfavor a particular industry segment. Allowing assignment of codes to a carrier outside this process is by nature discriminatory in that it assigns more importance to one carrier's needs over another's. Additionally, SBC believes that it will result in an administrative process that will lend itself to gaming, could accelerate the exhaust of the area code and will require dedication of industry and regulatory resources that could be better utilized to ensure timely relief. These results will only serve to compound the problems the rationing plan was intended to address. If the Commission continues to support such an action, SBC believes that it should direct the NANC to develop a stringent set of explicit objective rules for such an allocation.

**IV. THE COMMISSION SHOULD CLARIFY THAT STATES SHOULD ADHERE TO THE PRINCIPLES AND PROCEDURES INCLUDED IN THE INDUSTRY-DEVELOPED NPA RELIEF GUIDELINES.**

The NPA Relief Guidelines provide sound principles for NPA relief which have been developed by industry experts through a consensus process. The guidelines provide a framework for the relief process, ensure prudent use of limited numbering resources, and seek to minimize the consumer inconvenience associated with area code relief. States should be required to adhere to these principles in the execution of their delegated authority for area code relief.

## V. CONCLUSION

SBC again commends the Commission on its actions in this proceeding. The Order's clarification of the roles and responsibilities of state commissions relative to area code relief, NXX code rationing, and number conservation provide a viable framework to facilitate the provision of timely area code relief. SBC's proposals are consistent with this objective and should serve to further facilitate the area code relief process to ensure that needed numbering resources are available to the industry in a timely manner.

Respectfully submitted,

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